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IN THE UNITED STATES DISTRICT COURT  
FOR THE CENTRAL DISTRICT OF CALIFORNIA

KELI PARKER	) Case No.
	) 8:17-CV-00667-JLS (DFMx)
Plaintiff,	)
	)
v.	)
	) <b>ORDER</b>
PETERS & FREEDMAN, LLP; AND	)
DISCOVERY AT CORTEZ HILL	)
HOMEOWNERS ASSOCIATION,	)
	)
Defendants.	)
	)
	)
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	)

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1 This matter is before the Court on the Stipulation of Dismissal filed by  
2 Plaintiff Keli Parker and Defendant Discovery at Cortez Hill Homeowners  
3 Association (“the Stipulating Parties”). (Doc. 40.)

4 The Stipulating Parties seek dismissal pursuant to Federal Rule of Civil  
5 Procedure 41(a)(1)(A)(ii). Dismissal pursuant to that rule requires “a stipulation of  
6 dismissal signed by *all* parties who have appeared.” *Id.* (emphasis added) Because  
7 Defendant Peters & Freedman, LLP has appeared in this action, but has not joined  
8 in the Stipulation, dismissal pursuant to Rule 41(a)(1)(A)(ii) is not appropriate.

9 However, because Defendant Discovery at Cortez Hill Homeowners  
10 Association has not answered or filed a motion for summary judgment, dismissal is  
11 appropriate on Plaintiff’s notice thereof. *See* Fed. R. Civ. P. 41(a)(1)(A)(i).  
12 Therefore, the Court construes the Stipulating Parties’ filing as a Notice of  
13 Dismissal and ORDERS that all claims against Defendant Discovery at Cortez Hill  
14 Homeowners Association are dismissed with prejudice. The Stipulating Parties  
15 shall each bear their own costs and attorneys’ fees.

16 **IT IS SO ORDERED.**

17 Date: October 02, 2017



18  
19 Honorable Josephine L. Staton  
20 United States District Judge  
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